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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO..
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10/500,496

03/15/2005

Georg Ignatius

F-8307

4527

28107 7590 04/05/2007
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EXAMINER

PIERCE, WILLIAM M

ART UNIT

PAPER NUMBER

3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,496

Applicant(s)

IGNATIUS, GEORG

Examiner

William M. Pierce

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

WILLIAM M. PIERCE
PRIMARY EXAMINER

DETAILED ACTION

The holding of abandonment on 3/15/07 has been withdrawn. Applicant's timely filed a response on 2/26/07 that is on record. This application has been revived per applicant's request by phone on 3/31/07 and an action on the merits follows.

Claim Rejections - 35 USC § 102

Claims 1, 3, 6, 7-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. 6,431,996 as set forth in the previous office action.

"As to claim 1, Wright shows an instrument such as a club with a plurality of regions 306, 302, 308, 310, 304, 312 and 314 of different material col. 9, ln. 56+ and corresponds to a series as shown in figs. 2-4. As to claim 3, Wright shows region 306 in the handle. As to claim 6, the regions of Wright are considered strip like in that they are "located along the shaft" (abstract, ln. 4) like would be a strip. As to claims 7, 8 and 11 the distances between the centers of the sectional regions as shown in fig. 8 are dimensional with an active organization or characteristic results as shown in the graph provided with the figure that shows a sequence with vibrationally-relevant parameters. As to claims 9 and 12, the regions in fig. 8 are vibrationally varying as shown by the fluctuations in the graph provided. As to claim 10, the sequence shown in fig. 8 varies statistically by a random generator such as the instruments 54 and 56. As to claims 13-19 the seven regions of Wright in fig. 8 show a vibrationally active organization superimposed on the structure of the shaft at a plurality of different intervals that are approximately equally distant as shown by 308 and 310 according to a harmonic series as shown in figs. 2-4. As to claims 20 and 21 the regions of metal are along the edge of the shaft."

Applicant argues (middle of pg 18, remarks) that his claims recite his vibration elements to correspond to a "harmonic series" and that Wright does not discuss such a harmonic series. Vibrations and waves are an extensive field of physics in which a harmonic series is known to be inherent in all vibrations like that shown by Wright. The "simple harmonic motion" used to describe vibrations like those described in Wright are well known. Copies of a text book on Vibrations and Waves have been included to

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show the inherency of the claimed subject matter. As such this grounds for rejection remains.

Claim Rejections - 35 USC § 103

Claim 2, 4, 5, 22 and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Leon 5,707,302 and further in view of Yamaguchi 4,928,965 as set forth in the previous office action.

"As to claims 2 and 4, Wright is only concerned with handling the vibration associated with the shaft. It is well known to employ methods to handle vibration in the impact part such as in the head such as taught by Leon. To have included to have provided elastomer material on the impact region of Wright would have been obvious in order to minimize vibration. As to claim 5, 11 is considered to be volume of a solid body. As to claims 22 and 24 the applications of vibration modification techniques from one type of sport device to another is well known. See Yamaguchi 4,928,965 who teaches that such designing techniques can be used on a bat, club, racket or paddle for an example."

For the reasons set forth above, the harmonic and geometric series set forth above is inherent in the art of vibrations. As such the combination of references is considered proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The examiner can normally be reached on Monday and Friday 9:00 to 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM M. PIERCE
PRIMARY EXAMINER